

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES WOODFORK,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-20-123-HE
)	
RICK WHITTEN, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff James Woodfork, proceeding *pro se*, brought this action under 42 U.S.C. § 1983, alleging a due process claim for terminating correspondence without a disciplinary hearing. On February 13, 2020, U.S. Magistrate Judge Gary M. Purcell issued a Report and Recommendation recommending plaintiff's Application for Leave to Proceed *In Forma Pauperis* be denied and this action be dismissed without prejudice unless plaintiff pays the full filing fee to the Clerk of Court by March 4, 2020. Plaintiff was advised of his right to object to the Report and Recommendation by March 4, 2020.

On March 9, 2020, the court received a letter from plaintiff asking if it had received his payment of the \$400 filing fee. The court had not received his payment. On March 11, 2020, the court received another letter from plaintiff advising that on February 20, 2020 the Department of Corrections showed that they submitted a check for the filing fees but that on March 5, 2020, plaintiff's trust fund account was credited with \$400. On March 24, 2020, plaintiff filed a motion to resubmit his filing fee, which the court granted and gave plaintiff until April 13, 2020 to submit the filing fee.

On April 13, 2020, plaintiff filed his Motion to Object and Waive Full Filing Fee for Good Cause and Extraordinary Reasons. In his motion, plaintiff states that he no longer has sufficient financial resources to pay the filing fee in his institutional account and does not have support from his family or friends due to the COVID 19 pandemic, which has taken two of plaintiff's family members. Other than this conclusory statement, plaintiff provides no additional details regarding why he no longer has sufficient funds to pay the filing fee and does not provide any updated financial statement for his institutional account. Because plaintiff had sufficient funds and attempted to pay the filing fee and because plaintiff has not provided the court sufficient information or documentation showing that his financial situation has changed, the court concludes the filing fee should not be waived, and plaintiff should not be granted leave to proceed *in forma pauperis*.

Accordingly, the court **DENIES** plaintiff's Motion to Object and Waive Full Filing Fee for Good Cause and Extraordinary Reasons [Doc. #10], **ADOPTS** the Report and Recommendation [Doc. #5], and **DENIES** plaintiff's Application for Leave to Proceed *In Forma Pauperis* [Doc. #2]. Plaintiff shall pay the full filing fee to the Clerk of this Court by **May 15, 2020**. If plaintiff does not pay the full filing fee by **May 15, 2020**, this action will be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 17th day of April, 2020.



JOE HEATON
UNITED STATES DISTRICT JUDGE